

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-000280

04/04/2013

JUDGE DAVID J. PALMER

CLERK OF THE COURT

G. Verbil

Deputy

IN RE THE MATTER OF
CHRISTOPHER MICHAEL FAY

DAVID LEE GOLDFARB

AND

CHELSEA ROSEMARIE IVANOFF

CHELSEA ROSEMARIE IVANOFF
6630 N 27TH AVE APT 115
PHOENIX AZ 85017

MINUTE ENTRY

Prior to the commencement of today's proceeding, Christopher Michael Fay and Chelsea Rosemarie Ivanoff are sworn.

Courtroom 602 – CCB

3:01 p.m. This is the time set for Trial on Petitioner's Petition to Establish Child Custody, Parenting Time and Child Support filed July 3, 2012. Petitioner/Father is present and is represented by counsel, David Lee Goldfarb. Respondent/Mother is present, appearing on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court notes that the parties reached agreements on all issues in the Parenting Conference held on January 15, 2013. Such agreements are set forth in the Full Agreement for

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-000280

04/04/2013

Legal Decision Making and Parenting Time signed by the parties on January 15, 2013 and filed with the Court on March 6, 2013.

The parties further agree that neither party shall pay child support to the other party, and Father shall be responsible for the childcare costs until the child begins school in August 2013.

Petitioner and Respondent both testify that they have heard and understood the agreement as dictated into the record, and that this is, in fact, their agreement.

THE COURT FINDS that the agreement entered into between the parties is not unfair and is reasonable and in the best interests of the parties' minor child. The Court hereby approves the same as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

The Court shall issue a final Judgment and Order based upon the agreements of the parties.

There being no further need to retain the exhibits currently in the custody of the division clerk,

IT IS ORDERED that the Clerk permanently release those exhibits not offered or received in evidence to the counsel/party causing them to be marked, or to a written designee.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form

3:16 p.m. Matter concludes.

LATER:

PATERNITY JUDGMENT

The Evidentiary Hearing in this matter was conducted on April 4, 2013. During the proceedings, the Court heard from the parties. The Court has since considered the evidence,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-000280

04/04/2013

including the demeanor of the witnesses, reviewed the exhibits as well as the case history, and considered the parties' arguments.

The parties entered into an agreement on the issues of legal decision making and parenting time under Rule 69, Arizona Rules of Family Law Procedure at a Parenting Conference held on January 15, 2013. Specifically, they agree that the parties would share joint legal decision making regarding their daughter Callie, and would share equal parenting time on 5-2-2-5 basis as spelled out in the written agreement signed by the parties.

IT IS ORDERED adopting the parties January 15, 2013 agreement as a binding order of the court under Rule 69, Arizona Rules of Family Law Procedure.

After significant deliberation, the Court makes the following findings and enters the following orders:

PATERNITY

THE COURT FINDS that pursuant to the agreement signed by the parties on January 15, 2013, and filed with the court on March 6, 2013 and based on the testimony and pleadings filed by the parties, Christopher Fay is the natural father of the following minor child: Callie Lynn Turley born to Chelsea Rosemarie Ivanoff on April 6, 2008.

IT IS ORDERED declaring that Christopher Fay is the natural father of the following minor child: Callie Lynn Turley born to Chelsea Rosemarie Ivanoff on April 6, 2008.

IT IS FURTHER ORDERED that the parties shall take all necessary steps to have the birth certificate of the minor child amended in accordance with this order if the correct information does not now appear on the original certificate. Information for amendment of an Arizona birth certificate may be obtained from the Office of Vital Records, Department of Health Services, 1818 W. Adams, Phoenix, Arizona 85007; Phone (602) 364-1300. A certified copy of this minute order may be obtained after ten days of receipt of same, and shall then be provided, together with all other required documents and fees, to the Office of Vital Records, so that the birth certificate can be amended or supplemented as ordered.

IT IS FURTHER ORDERED that both parties shall be responsible for paying one half of the costs associated with changing the child's birth certificate.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-000280

04/04/2013

LEGAL DECISION-MAKING AND PARENTING TIME

Jurisdictional Findings

THE COURT FINDS that Mother and Father and the minor child have resided in Arizona continuously for at least the six months preceding the filing of the petition for paternity. This Court, therefore, has jurisdiction as Arizona is the “home state” of the minor child. *See* A.R.S. § 25-1031. Further, this Court has jurisdiction pursuant to A.R.S. § 25-402.

THE COURT FURTHER FINDS that the federal Parental Kidnapping Prevention Act does not apply and that no international law concerning the wrongful abduction or removal of children applies.

Best Interest Findings: A.R.S. § 25-403

The Court has considered the agreement of the parties and the factors under A.R.S. § 25-403. The parties have stipulated to a finding that the agreed upon plan is in the best interests of the minor child.

THE COURT FURTHER FINDS that there is no history of domestic violence or child abuse (A.R.S. § 25-403.03), substance abuse issues (A.R.S. § 25-403.04) or any sexual offender issues (A.R.S. § 25-403.05).sufficient to preclude the award of joint legal decision-making, as agreed.

Legal Decision-Making

Legal decision-making authority, as defined by A.R.S. § 25-401(3), means the legal right and responsibility to make all non-emergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions. For the purpose of interpreting or applying any international treaty, federal law, a uniform code or the statutes of other jurisdictions of the United States, legal decision-making means legal custody.

THE COURT FURTHER FINDS that based upon the agreements of the parties, it is in child’s best interest that Mother and Father be awarded joint legal decision making-authority regarding Callie Lynn Turley (born 4-6-2008).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-000280

04/04/2013

IT IS THEREFORE ORDERED awarding Mother and Father be awarded joint legal decision making-authority regarding Callie Lynn Turley (born 4-6-2008), as defined in A.R.S. § 25-401(2). For the purpose of this order,

“Joint legal decision-making” means both parents share decision-making and neither parent’s rights nor responsibilities are superior except with respect to specified decisions set forth herein. Shared or joint legal decision-making authority does not necessarily mean equal parenting time (A.R.S. § 25-403.02(E)).

Specific Terms

Final Decision Making Authority- Parental decisions shall be required for major issues in raising the child and in meeting on-going needs. When they arise, each parent shall give good faith consideration to the views of the other and put forth best efforts to reach a consensus decision. If the decision involves medical or schooling issues, the parties may further elect to seek input from treating physicians or educators. Both parents shall be provided with such input.

IT IS ORDERED that if they cannot agree after making a good faith effort to reach an agreement, any such major issue shall be presented to the Court for resolution.

Parenting Time

Mother and Father share joint legal decision making. “Shared legal decision-making does not necessarily mean equal parenting time.” A.R.S. § 25-403.02.E. The following parenting plan is practical and also maximizes each parent’s parenting time to the extent it is in the child’s best interests. *See* A.R.S. § 25-403.02.E.

IT IS THEREFORE ORDERED that parenting time shall be exercised as follows:

- As specifically agreed to by the parties in their written agreement signed on January 15, 2013, and filed with the court on March 6, 2013.

CHILD SUPPORT

THE COURT FINDS that the relevant financial factors and the discretionary allowances and adjustments which the Court will allow for a current calculation of child support pursuant to the Arizona Child Support Guidelines are set forth in the Child Support Worksheet, which the Court hereby incorporates and adopts as its findings with respect to child support.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-000280

04/04/2013

THE COURT FURTHER FINDS that in applying these findings under the Arizona Child Support Guidelines, a deviation regarding the obligation to pay child support from \$250.00 to \$0 is appropriate because the parties specifically agree to that deviation given the relative financial positions of the parties.

IT IS THEREFORE ORDERED that neither party shall pay child support to the other.

All obligations for child support for each child shall terminate upon a finding of this Court that the child has attained the age of 18 years, or is otherwise emancipated. If any child attains the age of 18 years while attending high school, support shall continue to be provided during the period in which that child is actually attending high school but only until the child reaches 19 years of age. Support for special needs children may continue past the age of 18 based on a finding of this Court. Provisions for health insurance and non-insured health expenses for the children, as provided for below, shall be deemed to be additional child support and shall be enforceable as such.

Pursuant to A.R.S. § 25-503(I), the right of a parent, guardian or custodian to receive child support payments as provided in this Order vests as each installment falls due. Each vested child support installment is enforceable as a final judgment by operation of law.

Insurance and Unreimbursed Medical Expenses

IT IS FURTHER ORDERED that Mother shall provide medical insurance for the benefit of the parties' minor child, and shall provide an insurance card and claim filing information/forms to the other parent. All medical, dental and orthodontia expenses incurred for the health and protection of the child not covered by insurance shall be paid 50% by Father and 50% by Mother.

IT IS ORDERED that unless good cause is shown, any request for payment or reimbursement of uninsured medical, dental, and/or vision costs must be provided to the other parent within 180 days after the date the services occur. The parent responsible for payment or reimbursement must pay his or her share, as ordered by the Court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request.

Both parents must use their best efforts to obtain services that are covered by the insurance. A parent who is entitled to receive reimbursement from the other parent for medical costs not covered by insurance shall, upon request of the other parent, provide receipts or other evidence of payments actually made.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-000280

04/04/2013

Tax Deduction For Callie As A Dependent

IT IS ORDERED that the parties may claim the eligible dependent as follows: Mother in even-numbered years beginning tax year 2012, and Father in odd-numbered years beginning tax year 2013.

Exchange Of Income Information

IT IS FURTHER ORDERED that the parties shall exchange income information every 24 months. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

ATTORNEY FEES AND COSTS

Neither party requests an award of attorney fees and costs.

IT IS THEREFORE ORDERED that each party is to bear his or her own attorney's fees and costs.

IT IS FURTHER ORDERED denying any affirmative relief sought before the date of this Order that is not expressly granted above.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

DATED the __9__ day of April, 2013

/ S / HONORABLE DAVID J. PALMER

JUDICIAL OFFICER OF THE SUPERIOR COURT

FILED: Exhibit Worksheet

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-000280

04/04/2013

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.